

1 information --

2 A. No.

3 Q. Whoa, whoa.

4 A. Go ahead.

5 Q. Did you have that experience working on the
6 other side of the project as far as not getting
7 information in a timely manner from the client?

8 A. No.

9 Q. Have you ever had that experience with a DuPont
10 client where you didn't get the information in a
11 timely manner?

12 A. Yes.

13 Q. Has that happened on one occasion or more than
14 one occasion?

15 A. More than one occasion.

16 Q. Many times?

17 A. In terms of that's one thing that -- you know,
18 in terms of factors that really distinguishes a
19 capable lead engineer from another engineer is the
20 ability to work closely with a client and kind of make
21 sure that they really get the information to you.
22 Client personnel are often very, very busy. And in
23 order to get their attention, it takes a lot of skill
24 on the part of our engineers to kind of work with the

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1 client to get that information organized, get it
2 reviewed, get it approved and out. So in terms of
3 it's -- you know, it's kind of -- so I'd say, you
4 know, getting information from the client is often
5 more the rule than the exception, but the thing that
6 distinguishes a good lead engineer is that they work
7 around that and overcome that.

8 Q. But you have had that problem?

9 A. Sure.

10 Q. Okay. Had you worked on other projects with
11 the DuPont liaison for the Corpus Christi project?
12 Was Dan McKenna -- what was that name?

13 A. Oh. I mentioned Mark Koenig.

14 Q. I'm sorry. That's who. Mark Koenig?

15 A. No, I have not worked with him.

16 Q. That was the only one?

17 A. Yeah.

18 Q. Have you had that experience of not getting
19 information in a timely manner on other DuPont
20 projects?

21 A. Sure.

22 Q. Has it been on more than one occasion?

23 A. Yeah.

24 Q. Then you said Mr. Perez cast the blame on a

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1 designer, William Robinson?

2 A. Mm-hmm.

3 Q. What did he say to you?

4 A. He said that Bill should have done more in
5 terms of helping him figure out what needed to be
6 done.

7 Q. Do you agree with Mr. Perez?

8 A. No, I don't believe it's that -- at the time, I
9 guess he convinced me, but I guess I don't believe
10 that anymore. Bill Robinson still works with us. And
11 the designer as distinct from Bill Robinson the
12 engineer, Bill Robinson the designer still works with
13 us, and all his projects generally come out very well.
14 I would tend to discount Obed Perez's indication that
15 Bill Robinson was mostly to blame for the issues.

16 Q. So the William Robinson on Howe 1 is different
17 than this designer Bill Robinson we were talking in
18 1993?

19 A. Yes.

20 Q. But at the time you believed Mr. Perez?

21 A. Yes, I did.

22 Q. Why did you believe him at the time.

23 A. Because I'd had some limited experience with
24 Bill Robinson, the designer, and didn't have any



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1 confidence in him, but I have since worked with
2 William C. Robinson the designer, and he's very
3 capable.

4 Q. You didn't have confidence in him in 1993, but
5 you hadn't worked with him that much?

6 A. That's right.

7 Q. Have you ever had problems with his
8 performance?

9 A. No.

10 Q. In how many projects have you worked with the
11 designer William Robinson?

12 A. A couple. A little bit.

13 Q. Like how many approximately?

14 A. Like two.

15 Q. Two. When was the last one?

16 A. It would have been at least five years ago.

17 Q. What was the project?

18 A. I don't remember.

19 Q. Do you recall the first one?

20 A. No.

21 Q. Now, I believe you had mentioned earlier that
22 there was a problem with a Bill Robinson with respect
23 to the Corpus Christi project. Is this the same Bill
24 Robinson?

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1 A. Yes.

2 Q. The designer?

3 A. Yes.

4 Q. What was the problem again that you testified
5 about?

6 A. Just that, you know, he was assigned some of
7 the blame for the poor outcome of the package being
8 one of the key team members.

9 Q. Who told you that he was assigned some of the
10 blame? How do you know that?

11 A. Well, just the, you know, e-mails and/or
12 meeting comments from DuPonters.

13 Q. About designer Bill Robinson?

14 A. I don't recall whether he would have been
15 singled out.

16 Q. What's your basis for saying that he was
17 assigned some of the blame?

18 A. In terms of the engineer and designer work very
19 closely together, so it's -- if there is a poor
20 outcome, usually they both have something to do with
21 it.

22 Q. So do you think that DuPont was dissatisfied
23 with the designer Bill Robinson's performance on that
24 project?

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1 A. They were dissatisfied with the team
2 performance.

3 Q. And that includes the designer Bill Robinson?

4 A. Sure, yes.

5 Q. Let me ask you: How much do you make per year
6 working for BE&K?

7 A. \$130,000.

8 Q. Do you receive any other type of compensation
9 from BE&K?

10 A. No.

11 Q. What about bonuses? Do you get bonuses?

12 A. No. They do have -- they do have a bonus
13 policy, but it's very -- and I have received a bonus
14 on one occasion. But it's not something where people
15 regularly get bonuses. They also have a profit
16 sharing plan.

17 Q. Did you get a bonus last year?

18 A. No.

19 Q. When did you get a bonus?

20 A. A couple years ago, I think.

21 Q. Okay. So you were still a process -- a senior
22 process engineer?

23 A. When I was still a senior process engineer.

24 Q. You said they have a profit sharing plan?

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1 interrelations with the client personnel.

2 Q. My question was: Why was he supposed to get
3 you the P&I diagrams?

4 A. That was my specific request. One, in terms of
5 we knew this was Obed's first significant project as a
6 lead based on past issues like at Corpus Christi, we
7 weren't entirely comfortable having Obed as a lead.
8 So I thought one good way of keeping in touch with the
9 project and just getting an early understanding if
10 there were any issues was by reviewing the piping and
11 instrument diagrams. And that's why I asked for -- in
12 terms of in lieu of, you know, spending a half an hour
13 a day with Obed asking how things are, if he gets me
14 the piping and instrument diagrams, I can review them,
15 and then it's obvious in terms of whether issues are
16 getting resolved and things are getting resolved. So
17 it was an easy way to stay involved with the project.

18 Q. So you asked him to get the diagrams to you?

19 A. Yes.

20 Q. When did you tell him that? How early in the
21 project?

22 A. Within the first week or two.

23 Q. Did you tell him -- did you give him a deadline
24 to get them to you?

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1 A. No, I did not.

2 Q. Why didn't you give him a deadline?

3 A. I just told him that on a project getting the
4 piping and instrument diagrams complete was a high
5 priority.

6 Q. Well, do you know if he completed them and he
7 just didn't get them to you?

8 A. The issue was that he was having trouble
9 resolving design issues, so he didn't have all the
10 information to complete the diagrams.

11 Q. Do you know why he didn't have all the
12 information to complete the diagrams?

13 A. Well, you know, as I kind of mentioned before,
14 you know, one thing that distinguishes a capable and
15 effective lead engineer versus, you know, process
16 engineers just doing standard tasks is that they're
17 very proactive in working with the client and
18 developing -- and getting decisions made.

19 Q. So --

20 A. So he was having trouble -- I'm sorry to
21 interrupt you.

22 Q. No. Go ahead.

23 A. He apparently was having difficulty reviewing
24 the issue with the client in such a fashion that he



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1 could get the client to make a decision on which way
2 to proceed.

3 Q. So was part of the issue that the client was
4 not giving him the complete information he needed?

5 A. It was a part of it.

6 Q. Have you ever done these P&I diagrams?

7 A. Yes.

8 Q. Have you ever -- were there ever any time when
9 you had to interact with clients to get information
10 that you needed to complete the diagrams?

11 A. Yes. Always.

12 Q. Were there ever any times when you had to
13 interact with a client to get the information to
14 complete the P&I diagrams and the client wasn't giving
15 you the information in a timely manner?

16 A. Yes.

17 Q. That has happened on more than one occasion?

18 A. Yes.

19 Q. Or one occasion?

20 A. Yes, more than one.

21 Q. Has that happened throughout your career at
22 BE&K?

23 A. Yes, it has.

24 Q. And you started at BE&K when, 1992?

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1 A. '92, mm-hmm.

2 Q. Did it happen as early in your tenure in 1992?

3 A. Yes, I am sure.

4 Q. And you became the process department manager
5 in 2005?

6 A. Yes.

7 Q. Up until the time you became the process
8 department manager, had you had those type of issues?

9 A. Yes.

10 Q. And, again, you didn't tell Mr. Perez when to
11 get you these diagrams?

12 A. No, I did not.

13 Q. Typically --

14 A. In terms of -- I'm sorry. Go ahead.

15 Q. Typically --

16 MS. DiBIANCA: Did you want to finish? I'm
17 sorry. I don't think he finished.

18 A. In terms of for any large project, there is a
19 formal project schedule developed. So whether I told
20 Obed or not that there was a certain deadline to
21 getting diagrams done, there was a formal published
22 schedule which showed when that activity was expected
23 to complete. So he did know that schedule.

24 Q. Do you know if there was a schedule for this

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1 years you were concerned about lack of work?

2 A. Yeah, it does happen periodically. The
3 previous really big downturn had been the previous
4 time Obed had been let go.

5 Q. 1993?

6 A. Yes.

7 Q. I know you say you were focused on refinery
8 work. Right?

9 A. Mm-hmm.

10 Q. Was the majority of the work you were doing
11 before you became the process department manager
12 refinery work?

13 A. For a period of two, three years, yes.

14 Q. Was that two, three years before you were
15 promoted?

16 A. Actually, for the year previous to being
17 promoted, I was working on a project for Arkema
18 Chemical.

19 Q. Was that a refinery project?

20 A. No, it was not.

21 Q. What type of project?

22 A. It's a chemical plant project.

23 Q. Did the work pick up for Motiva eventually?

24 A. Yes. But rather slowly.

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1 Q. When would you say it started to pick up or
2 when BE&K started getting work from Motiva?

3 A. It's really only just starting right now.

4 Q. 2006?

5 A. Yeah, when it became Valero. We did not get
6 much work when it was Premcor.

7 Q. I want to show you a document that was
8 previously introduced during Peter Howe's deposition
9 marked as Howe 3. It's titled "BE&K Delaware -
10 Projects November 2003," stamped D03251. Review that
11 document and let me know when you are finished.

12 I want to provide you another document that
13 was provided to EEOC. It's titled "BE&K Delaware -
14 Project Work Late 2003 through Year End 2004." It's
15 Bates stamped D3324. Please review those two
16 documents and let me know when you're finished.

17 (Trexler Deposition Exhibit No. 2 was
18 marked for identification.)

19 THE WITNESS: I am familiar with these
20 documents.

21 BY MR. ANGLADE:

22 Q. Can you tell me what Howe 3 is?

23 A. Howe 3, it is a summary of projects that were
24 in the office in the late 2003 time frame.

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1 Q. And you said you've seen the project before?

2 A. I pulled some of this information together.

3 Q. Did you create Howe 3? Did you prepare that
4 yourself?

5 A. Yes.

6 Q. You did. How did you go about creating it?

7 A. In terms of I went through -- we have reports
8 of old time sheet records that I skimmed through to
9 discern what the projects were and their approximate
10 time frames and who was charging to those projects
11 during those time frames.

12 Q. What did you mean, "who was charging to the
13 projects"?

14 A. Well, in terms of the time sheet records
15 they're recording how many hours people charged to a
16 particular project during a particular week. So, you
17 know, I could -- in reviewing those records, I could
18 see that, okay, this project had, you know, two
19 process engineers working on it during this particular
20 period. So it's actually a record of work hours
21 against a particular project.

22 Q. Did you also create Trexler 2?

23 A. Yes, I did.

24 Q. When did you create them?

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1 A. In terms of -- well, this -- the Howe 3 was
2 first. That's the one we did first.

3 Q. When did you do that? Was it this year?

4 A. Oh, yeah.

5 Q. I mean, recently?

6 A. I don't know. Two, three months ago.

7 MS. DiBIANCA: Do you want me to answer the
8 question.

9 MR. ANGLADE: Excuse me?

10 MS. DiBIANCA: Do you want me to answer?

11 MR. ANGLADE: Sure.

12 MS. DiBIANCA: It was done in preparation
13 for the litigation. Whenever the other responses were
14 sent, they were turned over to him.

15 MR. ANGLADE: Okay.

16 THE WITNESS: Right. So I guess this would
17 have been done a few weeks before Pete Howe testified,
18 I presume.

19 BY MR. ANGLADE:

20 Q. When you were skimming documents or time cards,
21 did you notice if people were working on two projects
22 at the same time?

23 A. Yeah, yeah. You know, that would come out of
24 it.

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John Trexler

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1 Q. Is that indicated on Howe 3 and Trexler 2, if
2 people were working on two projects at the same time?

3 A. In terms of sometimes there is some overlap
4 between projects and/or -- well, for example -- a
5 couple examples here. Item 3 here on Howe No. 3 was
6 "DuPont Spruance Small Projects." And there, people
7 were working on lot of projects. And rather than list
8 10 or 12 projects, I have just kind of summarized that
9 as "Sпруance Small Projects" and the people that were
10 working on them. So that was a program of work.

11 Q. Okay.

12 A. And rather than trying to capture every
13 individual project just to make it a little bit more
14 manageable in understanding the data, I grouped that
15 together.

16 Q. So when you said there were 12 projects for
17 Spruance Small Projects, does that mean Poprik and
18 Wright were working on 12 different projects?

19 A. Yes; or they had them split up between them in
20 some different fashion. It may not be 12, but, you
21 know, it depends on the time frame. It was always
22 changing. The small projects, you know, come and go
23 quickly.

24 Q. Let me ask you: Have you ever heard the



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1 A. It was probably longer than two months.

2 Q. Do you know if it was longer than six months?

3 A. No.

4 Q. So somewhere in between two to six months?

5 A. Yeah. And I think I was partly chargeable
6 during that whole time. It's just didn't have enough
7 chargeable business to charge the 40 hours.

8 Q. How old were you in 1993? What was your date
9 of birth again?

10 A. '55. So I would have been 38.

11 Q. Were there any other times when you charged
12 overhead for over a month?

13 A. No.

14 Q. Do you know if there are other BE&K employees
15 in the process department who have charged to
16 overhead?

17 A. Yeah. It happens from time to time. As I
18 said, it's -- you know, in this day, the only reason
19 anyone would charge to overhead for any extended
20 period is if we were absolutely assured that work was
21 forthcoming and that this particular person was going
22 to be critical to perform the new work.

23 Q. Has anyone charged to overhead in the process
24 department in 2006?

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1 Q. Job code, what does that mean?

2 A. I am not sure I know.

3 Q. Okay. What does "R/N" mean?

4 A. "R" means it's reimbursable work rather than
5 nonreimbursable work.

6 Q. So "nonreimbursable" meaning charge to
7 overhead?

8 A. Yes, yes.

9 Q. What is "regular"?

10 A. Regular versus overtime or premium time. So,
11 basically, she -- for that week-ending October 3rd,
12 Shea worked four hours on the Chambers Works site team
13 work.

14 Q. Okay.

15 A. If you go down to the next entry, she charged
16 18 hours to this fatty acid tanks design basis. That
17 would, basically, be one of the white pigment relief
18 device team projects. So she was working on both
19 projects during the October 2003 period. So she was
20 working Chambers Works site team, but she was also
21 working on some of these white pigment relief device
22 team projects.

23 Q. How do you know that's a white pigment relief
24 device team projects, fatty acids?

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1 decision?

2 A. Yes. Because I would be the one to make the
3 decision.

4 Q. So you will offer her a position?

5 A. I expect that I will. We have to see what our
6 needs are at the time, but she's worked well for us.

7 Q. Have you ever been convicted of a crime?

8 A. No, I haven't.

9 Q. When you were a process engineer, senior
10 process engineer, were there ever times you were
11 pulled off a project before the project was completed?

12 A. Yes.

13 Q. Did that happen on one occasion or more than
14 one occasion?

15 A. Just one that I am remembering.

16 Q. Can you tell me about that time?

17 A. Yeah. In terms of this would have been in 1995
18 and we were coming close to the end of that project
19 for DuPont Fayetteville. And, basically, the reason I
20 was pulled off of it or freed myself up from it is
21 that there was a new project starting for DuPont
22 Washington Works that desperately needed process
23 engineering help, so I was pulled in to help out that
24 project.

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1 folks.

2 So in this case with Arkema, it was pretty
3 good because we had come to the end of one project
4 phase and hadn't started the next project phase, so
5 they agreed that it wouldn't be too disruptive if I,
6 you know, if I, you know, came off the project.

7 Q. Are you aware of other employees who were
8 pulled off of projects before the project was supposed
9 to be completed?

10 A. I can't -- I'm sure it's happened. I can't
11 think of any.

12 Q. What do you mean when you say you are sure and
13 then you stopped?

14 A. I am sure it's happened.

15 Q. But you don't recall any specific examples?

16 A. I don't recall specific examples.

17 Q. As the process department manager, have you
18 ever pulled an employee off a project before the
19 completion of that project?

20 A. I am not remembering any times.

21 Q. Would you ever do that?

22 MS. DiBIANCA: I object to the extent it
23 calls for him to speculate. And then you can go ahead
24 and answer.

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1 MS. DiBIANCA: Let him finish, please.

2 A. Go ahead.

3 Q. Was there ever a concern that the average
4 billing rate needed to be lower for BE&K to be able to
5 compete with its competitors?

6 A. Not that I am aware of.

7 Q. Never heard that?

8 A. No.

9 Q. Pete Howe never discussed that with you?

10 A. No.

11 Q. Have you ever heard anyone say that the work
12 force needs to be rejuvenated because the average
13 billing rate needs to be lower?

14 A. No.

15 Q. As the process department manager today, are
16 you concerned at all about the average billing rate in
17 your department?

18 A. No.

19 Q. Do you know the difference between being a BE&K
20 employee as opposed to an Allstates employee is?

21 A. Yes.

22 Q. What's the difference?

23 A. An Allstates employee is not guaranteed 40
24 hours of work a week.

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1 Q. Any other differences?

2 A. In terms of, you know, from a functional
3 standpoint, no, not really, in terms of the type of
4 work they do.

5 Q. Do you believe it's more of an advantage for an
6 employee to be a full-time BE&K employee as opposed to
7 Allstates?

8 A. For most folks, yes.

9 Q. Why would you say "for most folks, yes"?

10 A. Because of the benefits and such that BE&K
11 provides that Allstates doesn't provide.

12 Q. Any other reason?

13 A. Guaranteed 40 hours a week work.

14 Q. Any other reason?

15 A. That's the big ones.

16 Q. Nothing else?

17 A. No.

18 Q. Were you ever involved in the bidding process
19 for projects when you were a senior process engineer?

20 A. I sometimes prepared work hour estimates.

21 Q. Do you know if BE&K has ever underbudgeted a
22 proposal in an attempt to secure business from a new
23 client?

24 A. I don't think we've ever underbudgeted.

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1 Q. Typically, when you were a lead process
2 engineer and a budget was being done for a project,
3 would you be consulted on that project as far as how
4 many hours you think you need to get it completed?

5 A. Sometimes, yes, sometimes no.

6 Q. Were you consulted the majority of the time?

7 A. In terms of the lead process engineers are
8 often asked to develop the work hour estimates and/or
9 to review and approve the work hour estimate.

10 Q. So they're often asked to do that?

11 A. Yes.

12 Q. I just want to show you one -- another exhibit.
13 This is going to be marked as Trexler 3. It's Bates
14 stamped D3284 through D3288. Please review these set
15 of documents and let me know when you're finished. 3?

16 (Trexler Deposition Exhibit No. 3 was
17 marked for identification.)

18 BY MR. ANGLADE:

19 Q. Have you ever seen those pages before?

20 A. No, I haven't.

21 Q. Do you understand what any of them mean?

22 A. I can guess. Basically, I can't say that I
23 have really seen or studied this type of report a lot.
24 So I really don't have familiarity with this document

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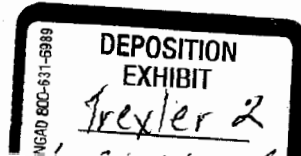


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BE&K Delaware -Project Work: Late 2003 through Year End 2004*

Client Name	Project No.	Description / Nature of Project	Start	End	Process Dept. Personnel
DuPont	DCD3S004	Misc. Chambers Works	Oct-03	May-04	Robbins
	DCS5T001	China Fine Powders / Dispersion	Jun-04	> 12/31/04	Robbins
DuPont	DCD3U001	Chambers Works Site Team	Sep-02	> 12/31/04	Beitler
DuPont	DSC32307	Spruance Small Projects	Sep-03	> 12/31/04	Poprik
	etc.		Sep-03	> 12/31/04	Wright
DuPont	DAA3T001	White Pigments Relief Device Team	Feb-02	> 12/31/04	Baker
	DAA3T002		Feb-02	> 12/31/04	Gerwig
	DDE3T003		Feb-02	> 12/31/04	Guttridge
	DDE3T004		Feb-02	> 12/31/04	Hassan
	etc.		Feb-02	> 12/31/04	Pham
	etc.		Feb-02	> 12/31/04	Taylor
	etc.		Oct-04	> 12/31/04	Wunder
Various		Process Hazards Reviews / Small Proj.	Jan-04	Sep-04	Wunder
DuPont	DAA3T001	White Pigments Relief Device Team	Feb-02	May-04	Delgado
		Performance Coatings Small Projects	Jun-04	> 12/31/04	Delgado
DuPont	DEA2T087	Edgemoor: North End Spill Diversion	May-03	Apr-04	Elener
	DSC32307 et al	Spruance Small Projects	Jun-04	> 12/31/04	Elener
DuPont	DMF3C003	Manati: Intermediates / Past Expansion	Sep-03	Nov-03	Sharma
		Misc. Small Projects / Proposals	Dec-04	May-04	Sharma
DuPont	DMF3C004	Manati: Spherical Silver Expansion	Jul-03	Dec-03	Tweed
		Various Manati Projects	Jan-04	May-04	Tweed
	DCS5T001	China Fine Powders / Dispersion	Jun-04	> 12/31/04	Tweed
DuPont/Magellan	DWC32001	Project Blue	May-03	Sep-04	Preston
DuPont	DZB5T003	China NF3 Purification	Oct-04	> 12/31/04	Preston
DuPont	DCS3X001	PANDA	Jan-03	Dec-03	Majors
		Misc. Small Projects / Proposals	Jan-04	May-04	Majors
	DCS5T001	China Fine Powders / Dispersion	Jun-04	> 12/31/04	Majors
Motiva	5040602	Hydrocracker Corrosion Mitigation	Sep-03	Dec-03	Trexler
Motiva		Red Lion Acid Plant	Jan-04	Feb-04	Trexler
Sunoco		Eagle Point FCCU Expansion	Mar-04	May-04	Trexler
Arkema		F32 Project	Jun-04	> 12/31/04	Trexler
Motiva	5040602	Hydrocracker Corrosion Mitigation	Sep-03	Dec-03	Perez
Conoco-Phillips	5040612	Flare Network Modeling	Sep-03	Feb-04	Lin
DuPont/Magellan	DWC32001	Project Blue	Mar-03	May-04	Lin
DuPont	DCS5T001	China Fine Powders / Dispersion	Jun-04	> 12/31/04	Lin
Various		Process Hazards Reviews / Small Proj.	Jan-04	Sep-04	Wunder
Arkema		F32 Project	Jun-04	> 12/31/04	Robinson

This document was prepared in response to the EEOC's Third Request for Production and did not exist prior to such Request. BE&K believes that every effort has been made to gather all the data required to make a complete and accurate response and as a result, believes that this document is an accurate representation of the requested data. BE&K makes no guarantee as to the accuracy of this document.



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D03324

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	
Plaintiff,)	Civil Action No. 05-CV-00697
)	(KAJ)
)	
v.)	
)	
BE&K ENGINEERING COMPANY,)	
(SUBSIDIARY OF BE&K, INC.))	
)	
Defendant.)	

AFFIDAVIT OF JOSEPH DANESE

I, Joseph Danese, do hereby depose and state as follows:

1. I am currently employed as a Federal Investigator with the U.S. Equal Employment Opportunity Commission ("EEOC" or "Commission") in its Philadelphia District Office. I make this affidavit for purposes of this litigation. I conducted the investigation into the above-captioned litigation and am familiar with the facts of this case (charge no. 170-2004-00390). Except as otherwise stated, I am providing this affidavit based upon my personal knowledge and on information obtained in the course of my employment.

2. Juan Obed Perez filed his charge of discrimination with the EEOC on or about April 2, 2004 against BE& K Engineering Company ("Defendant" or "BE&K"). In his charge, Mr. Perez alleged that he was discriminated against in violation of the Age Discrimination in Employment Act (ADEA), when Defendant terminated him from his position for lack of work, while hiring younger workers. See Exhibit 1 Charge of Discrimination.

3. During the investigation I interviewed Christopher Guttridge. Mr. Guttridge was an Engineer in Defendant's Process Department. He had been employed by Defendant BE&K

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since July 2003. He was hired after graduating from college at the age of twenty-three (23). See Exhibit 2 Notes from Chris Guttridge Interview; Exhibit 3 Letter of Determination ("LOD").

4. I questioned Mr. Guttridge regarding whether he was asked during his initial interview with BE&K, if BE&K was looking to hire younger people. Mr. Guttridge stated that he believes that he was told that BE&K wanted to hire younger people, but he could not recall the specific words. However, Mr. Guttridge indicated that he remembered it being said. See Exhibit 2. Towards the end of the interview, I asked him what made him decide to become an engineer and if he was good in math. Mr. Guttridge in a light-hearted manner indicated that he was okay in math. I believe that the interview was very cordial and friendly.

5. On August 4, 2005, the Commission issued its Letter of Determination ("LOD") finding that reasonable cause existed to believe that Defendant violated the ADEA with respect to Juan Perez. See Exhibit 3 LOD.

6. On September 13, 2005, the EEOC failed conciliation after Charging Party declined Defendant's counteroffer. See Exhibit 4 Fax.

I declare under penalty of perjury that the foregoing is true and correct.

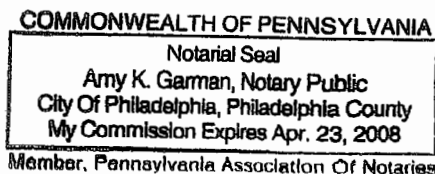
Date: 06/20/06

Joseph Danese
JOSEPH DANESE
U.S. EEOC Investigator

Subscribed and sworn before me
this 20th day of June 2006

[Signature]
Notary Public

My Commission expires: April 23, 2008



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